38

G. R. S. 59] Confidential

P 38

GENERAL AND REVENUE SECRETARIATE.

1913-14

(Police)

File No. 66-13

To be preserved
Cfwd
18/11/25

Serial Nos. 1-5

Papers Filed.

Month September 1914

SUBJECT.

Employment of the Volunteer force on the K.G.T. on occasion of visit of the Duke of Connaught to the place.

PREVIOUS REFERENCES.	LATER REFERENCES.
G.P. no. 3752-B-Police 23-10-01 & 24-6-1912 G.P. no. 219 B.C. & E. dated 1-4-1926 Police 219, no 142 Legislative 279 1907 no 2-5 (A). Police 125-07 no 17	Pol 145-14 (1.1A. 2+3) B.

B by 17-1 15.

I. 6.

No. C. 196.

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 66

FILE HEADING.

Employment of the Volunteer force on the K.G.F. on occasions of breaches of the peace.

From

The Hon'ble the Resident.

No. 80 Dated 6.9.13 Received 6.9.13 / 10

Diary No. 7887	Enclos. — Spare Copies. ..	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Wishes to know the ~~as~~ views of the Durbar in the matter of authorising the local magts. K.G.F. to call out the Volunteers in cases of breaches of the peace.

NOTES AND ORDERS.

NOTES—First Sheet.

P. T. O.

GPE—35,000—15-6-12

[G. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

Serial No.	
2	To The Hon'ble Col. Sir Hugh Daly K.C.I.E., C.S.I. Intimate that the matter will receive the very earnest attention of the Durbar.

NOTE—Contn. sheet.

P.T.O

GPB—65,000—17-5-12.

Police file no. 66 of 1913-14

N O T E.

****

The accompanying confidential D.O. letter dated the 6th September 1913 from the Hon'ble the Resident regarding the employment of the Volunteers on the Kolar Gold Fields in case of a breach of the peace, may be carefully worked up and submitted through the Councillors.

2 The Inspector General of Police should be confidentially consulted.

3 The matter should please be regarded as very urgent.

9.9.13.

To

The Secretary,
General and Revenue Deptts.

4 To the Dy Secy with compliments for favor of doing the needful

5 Rep Done 10/9

Very Urgent 10/9.

10/9/13

[. R. S. 12]

General and Revenue Secretariat. | Pol. File No. 66 of 1913

Serial No.

6 Subd. with Police file 219-12* & Legis file 27-07 (printed collection) dealing with the question of employment of British Volunteers.

7 Kind reference is invited to the note of the Dy. Secy (paras 24 to 36) in Police file 219-12.

KN (110) 9.13

Dr Secy) 11/9

8) The strength of the Police Force at the K.G.* consists of 30 Officers + 222 men.

9) The other aspects of the case have been fully dealt with in the D.S.'s note in Police file 219-12.

Dr Secy) 11/9

10) Please consult the D.G. of Police U.O. & confidentially as per para 2 of the Secy's Note of 9/9/13. Within a week we should try & get his opinion

Dy Secy 12/9

11) Forwarded unofficially to the Inspector General of Police for favour of opinion in the matter. The file may kindly be treated as urgent & confidential

By order
Major General
for Secy to Govt
12-9-13

U.O. No. J. 7. 1913-14.
12-9-13

NOTE.—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12] Gn. O. J. 7-13 3/10/13

General and Revenue Secretariat.

Pol File No. 66 of 1913

(5

Serial No.	
(2)	This file has only 2 Dfts on a most unusual incident. There have been some previous Dfts where the whole subject of collecting and volunteers by Magistrates has been thoroughly gone into & the existing orders & rulings on collecting and volunteers. Both the law as well as standing orders are against the present course; & on these grounds it is suggested that pursuing further action on these Dfts will be waste of time & labour. Cmt Tiptur 21/9/13 C. Srikantaiya
	23/9
(3)	Forwarded w.c. to the D.G. of Police for favour of opinion on the following points :— (a) The expediency of locating 50 men of the Reserve Police on the Fields. (b) The consequential arrangements needed. (c) The cost entailed for constructing quarters & granting local allowances. (d) The adequacy of 50 men for the exigencies in question, as compared with the number of volunteers that may generally be

He reported to be missing Dsec 8/10

He will treat this as urgent & confidential. Dsec 3/10

NOTE.—Contn. sheet.

General and Revenue Secretariat. | Police File No. 66 of 1913-14

Serial No.

available on the Fields from time to time.

Thus and Clear
3/10 Spl

14) It has been admitted that the Kolar Gold Fields has been Police bound to pay for its own protection [illegible] from the Commissioner, apart from the prohibition cost, but these must be considered altogether under all circumstances, for the force required to suppress disorder must always depend upon the local conditions. It is not to pay the £ 2 5 0 for the men — or for that, any larger body — but must be equal to a very large body of volunteers (some 8 00 strong) such as on the Field.

15) So it is practically the principle of utilizing the volunteers that they seem to be trying for. Even here there is no objection if it is the Magistrate or the Police calling out any one of the

NOTE—Contn. sheet.

GPB—65,000—17-9-12.

Serial No.

volunteers in his individual capacity to come to & aid the police in maintaining order, but to call them out as a body, the Cr. P. Code has to be changed. Our Magistrates can call them out, only if the volunteer corps can be subordinated to them. It is existing for the District Supt: to say whether, in view of the Cr. P. Code or the Magistrates of Kolar or the Supt. of P. under C. P. Code have jurisdiction over the volunteers under S.S 130 & 131 of the Cr. P. Code. It is but for the Govt. to question of Revised & abolished jurisdiction — the subject is not a simple or local one, but one affecting the Dist.

Bangalore
1st Dec 1913

H. Krishnaraja

If the Volunteer Force is about 500 strong and if this strength is needed for special emergencies, two alternatives of locating on the

16)

NOTE.—Contn. sheet.

General and Revenue Secretariat.

Police File No. 66- of 1913-14

Serial No.

Fields a small detachment of the Special Reserve would be of little use. But there are two other alternatives to be answered. They are referred to in my Note on Volunteer Assistance, dated 22nd Feb 1913: (File of April 1913): (1st Consultation)

D. M. Narasimhaiah
2/12/13

Q

17) I do not think that the demand that a large force (much beyond the standard required for other similar places) should be stationed in Kolar Goldfield to meet the extremely improbable and very large occurrence of a riot endangering the safety of the property of the Mines, is a reasonable one. It can hardly be disputed that our Police arrangements there are more efficient than in other places in the State, and that they are sufficient to ensure public safety in all reasonable contingencies. We have access to the place by railway

1

2

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

T. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

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and shall always be in a position to lend men from Bangalore in cases of extraordinary emergency in a few hours. It is true that promptness will be a most essential factor in such emergencies; but such emergencies may arise ~~every to~~ anywhere in the State. It would be intolerable and impossible if we are to keep in every place a force (Police or Military) that may be in itself adequate to meet all the force that may be possibly arrayed against Government. Moral force is after all the great strength and bulwark of every Government.

18) I am not aware of any special elements in Kolar Goldfield that make on

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

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riot attended with incendiarism or looting of property is more liable to occur there than at other places. It may be that thefts and dealing with stolen property may be more rife there on account of greater temptation; and drunken brawls may occur oftener. But there is no greater reason to anticipate serious or organised rioting there than elsewhere in the State. I think therefore that the demand of the Companies for any extravagant increase of Police force must be resisted; and I do not think that these Companies which are inherently much stronger than the ordinary inhabitants of the State to defend themselves, would

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

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fail to see the reasonable ness of our attitude.

19) There is, I think, a temptation to ask for excessive protection and facilities for this ~~area~~ place, in the fact that the Companies yield to the Ellpore Government a large revenue from a Concentrated area. But they obtain an quite adequate (and in the opinion of many a more than adequate) quid pro quo ~~for~~ for all that they Contribute.

20) The only extent to which it is possible for us to meet their wishes seems to be that we may empower our Magistrates to call out the Members of the Volunteers by ~~Volunteers~~,

I believe this has already been done. (Vide note above. Hasra)

NOTE—Contn. sheet.

GPB—65,000—17-9-12.

General and Revenue Secretariat. | Police File No. 66 of 191 3-14

Serial No.

Force as individuals under S. 128 of the Code of Criminal Procedure. This should be issued as a general order applying to all places within our jurisdiction, as it would be invidious to do so only for a particular place. To prevent any possible misunderstandings, this should be done only if the Government of India agrees to the proposed course. Of course as individuals, they will be subject to our local laws, and as far as I can see, there is no need to change any law in British India. If European Br. subjects, our jurisdiction over them will be limited as in the

Marking notes to Sir Reginald

NOTE—Contn. sheet.

GPB—65,000—17-9-12.

J. 124

13

G. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

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Case of other European Br. Subjects. But if the Govt of India do not see their way to assent to this arrangement, I am afraid that nothing further can be done by us to meet the wishes of the Mining Companies.

7/12/13

I have perused the Volunteers' Act & see no reason to modify my remarks. 13/12/13

21) Secd Comalty With reference to para 19 of the Diwan's Note.

Dewan 15/12

22) I am in perfect agreement with the views expressed above by my learned colleague. If the Govt wishes it, the matter may be discussed at a meeting of the Council

17/12

Dewan

17/12

6711
18.12.13

23) Please put up a copy of the Residency Circ may be discussed at a meeting of Council.

NOTE—Contn. sheet.

B' III 20-12-13.

GPB—65,000—4-13-12.

G. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

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24) Subd. with a draft D.O. on the lines of the Sec. Councillor's note.
B.G. (49) 5.1.14

(48)
6/1/14

(Dy Secy) SPR 7/1

25) The Mpt Secy will kindly see the draft as revised by me and meet me today for a discussion. Draw 8/1

26) Submitted with a revised D.O. draft (Dy Secy) SPR 9/1

27) A draft reply is put up as required in para 23 for consideration at Council Draw Gpt Law 16/1/14

(Secy)

Dewan. 19/1 Draw 19/1 = 14

7146 / 19.1.1914

28) The draft may be brought up at the next meeting of Council to form a basis for discussion.

31.1.14. RB

C. Secretary

29) Note for meeting.

(~~Do we circulate to Council~~

Do we circulate to Executive Council members also. Marked in red

31/1 Draw 31/1 SPR 31/1

Vide typed draft placed on the file

30) Seen KRW 3.2.14

NOTE—Contn. sheet.

GPE—60,000—7-11-13

8[6]

C. R. S. 12]

General and Revenue Secretariat.	Pol. File No. 66 of 1913.

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31) The draft reply to the Residency was brought up for discussion in Council on the 4th instant, and as it was generally approved by the Council.
It was, however, thought that before submitting to His Highness for approval, the First Member of Council may further examine it.

Draw up

1st member's
Initial

5/2

32) I have amended the draft a little. It may go if approved by the Dewan-

7/2/14

33) As this draft as amended by the first member may be put up Draw 9/—

34) Subd with a tidy draft.

35) 10/2/14 Draft Submission Note to H. H. may also be prepared very early Draw 11/2

36) Resubd. with a Draft submission

37) Fair draft please

12/2

Note. B.E. 11/12-2-14.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

47 16

General and Revenue Secretariat. | Police File No. 66 of 191 3-14

Serial No.

38) Subd. with a tidy draft submission note.
B.G. 6/2/13-2-16. NK

39) Dy Secy) Sd 13/2
Please put up a tidy draft as revised Draw 14/2 SA

40) Returned with a tidy draft as revised. Submission Note put up.
B.G. 6/2-2-16. NK

Dy Secy) Sd 16/2

7666/17.2.13 Draw) Draft ready 16/2

Police file no 66 of 1913-14

Submitted to His Highness.

41) These papers relate to the question of the employment of the Volunteer Force on the Kolar Gold Fields on occasions of breaches of the peace.

42) 2. In my D.O. letter of the 27th March 1913 to the Private Secretary to His Highness, it was stated that the Hon'ble the Resident after a personal discussion did not seem to press the matter. He was accordingly informed that no further action would be taken. Vide my D.O. letter of the 22nd April 1913 to the Hon'ble Col. Sir Hugh Daly.

Paper under disposal

43) 3. In his D.O. letter of the 6th September 1913, however, the Resident has again raised the question, apparently at the request of the Mining Companies. He urges in this letter that the order issued by the Durbar in their Proceedings No.J. 1791-Legis 27-07-5 dated the 23rd December 1908 involves a multiplicity of references and delay and suggests that the only alternatives for efficiently dealing with possible breaches of the peace on the Kolar Gold Fields are either to give the Gold Fields Magistrate full discretion to call out Volunteers in a body subject to immediate report to the Durbar, or to provide an additional force at the Fields strong enough to maintain order in all possible contingencies.

44) 4. The question was discussed in the Council on the 4th February 1914 and the conclusions arrived at are embodied in the accompanying draft reply which may be approved.

Draft for approval

M. Visvesvaraya -
19-2-14.

Police File no 66 of 1913-14

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Draft letter to the Residency on the question of the employment of the Volunteer Force on the Kolar Gold Fields on occasions of breaches of the peace.

45
Returned with D.O. No. 366
Dy 25/26 . 2 . 14

Order.

Police T. 61 - 15 Feb. 2066 of 1913-14

D. O. No. 366 Encs. Secret file

Compliance with the Council's wish

D. C. No. 2487 19

The Palace, Mysore,

25th February 1914.

My dear Sir,

46) In accordance with your personal request, I am sending you the following note on the question of calling out the Kolar Gold Fields Volunteers in the case of an emergency. I am returning the file relating to the matter.

47) As the orders of Government now stand the Volunteers may be called out, but only with the sanction of the Resident. The Hon'ble the Resident has pointed out very forcibly the danger to life and property which may aride owing to the delay entailed by a reference to him in the case of a serious riot on the Gold Fields.

48) The chief objection urged against employing the Volunteers is that the Volunteers are not under the orders of the Mysore Government for purposes of discipline and control and that they might get out of hand and cause more loss of life than the occasion needed.

49) There is also a question whether a Mysore Magistrate can legally call out the Volunteers as a body under the code of Criminal Procedure.

50) The first objection applies with equal force to the present arrangement whereby the Durbar has conceded that the Volunteers may be called out with the sanction of the Resident. The Resident's sanction does not give the Durbar a whit more of control over the Volunteers once they have been called out.

51) The second objection need not be pressed by the Durbar, as the Kolar Gold Fields authorities agree to place the Volunteers under the direct control and orders of the local Magistrate.

52) The compromise proposed in the draft letter to the Residency, namely, that the local Magistrate may be authorised to call out individual Volunteers, as private citizens, in the case of emergency is open to the serious objection that it would entail an enormous waste of time to call out 800 individual Volunteers in the middle of a serious riot, and the men so called out would be under no proper control and would not know how to act as a combined force.

The result might be indiscriminate shooting and unnecessary loss of life. On the other hand, the Volunteers, if called out as a body, would act under the control of trained and responsible officers who would keep them well in hand. The experience of the riot of 1907 between Punjabis and Pariahs demonstrates what useful work these Volunteers are capable of doing, as a disciplined force. On that occasion it was the Volunteers who finally quelled a serious riot without any loss of life.

53) The Kolar Gold Fields Volunteers are not British or Foreign troops. It is true that they are enrolled, technically, under the Indian Army Act, but as a matter of fact they are a citizen body banded together for the purpose of preserving law and order and are all Mysore subjects. I cannot see that there is any confession of weakness on the part of the Durbar in making the full possible use of such a force in case of emergency.

54) Nor can I agree with the view expressed in some of the notes, that there is no appreciable danger of a serious outbreak on the Gold Fields as compared with other parts of the country. With a mixed mining population of nearly 100,000 people such a danger must exist and must be faced, and if only it is understood that a disciplined force like the Volunteers is at the local Magistrate's immediate disposal in the case of an emergency, the danger will be greatly minimised and it should never be necessary either to increase the permanent Police Force on the Fields or to send Mysore troops to assist the local police.

55) It must not be forgotten that in the event of a serious riot before these troops could arrive from Bangalore immense and irretrievable damage might be done to the valuable buildings and machinery on the Fields, which not only the companies but the Mysore Government are strongly interested in protecting.

56) The Volunteers if called out by the local Magistrate would be strictly under his orders in the sense that they would be withdrawn directly the Magistrate decided that their help was no longer

Police file 960 66 of 1913-14

needed. While they are actually under arms we may safely trust the Officers of the Corps to keep their men strictly under control and to prevent unnecessary shooting. We might well stipulate that the Volunteers are not to fire ball cartridge except by the order of the local Magistrate. In 1907 not a single shot was fired and a mere demonstration in force, by the Volunteers proved sufficient to overawe the rioters and this is what would happen in ordinary circumstances.

5(7) I cannot help thinking that the mining authorities are giving a striking proof of their complete confidence in the local Magistrate in offering to place the Volunteers at his absolute disposal in the event of a riot and I cannot help feeling that it would be a wise and perfectly safe policy to accept their offer.

5(8) You were good enough to say that you would reconsider the whole question in Council if I returned the file to you with a note explaining my views.

Yours sincerely,

R. Lawrence

M.Visvesvaraya Esq.,C.I.E.,

Dewan of Mysore,

Camp, Nanjangood.

G. R. S. 12]

General and Revenue Secretariat.

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Serial No.

5) Please put up a copy of the Indian Volunteers Act & Army Act for submission to the First Member. Dwan 5/3

6) Subd. calls attention to the Indian Volunteers Act and the Indian Army Act.

S.V

Book to not recd 23/9

B.G. (49) 7-3-14 Nil

Dy Sec'y) Spdt 7/3

First Member) Dwarkadas 7/3

6A) A draft explaining the practical legal difficulties more fully is put up for consideration. The subject is on the agenda for the Council meeting tomorrow. If convenient, the file may be kindly returned for being brought up before the Council tomorrow.

Dwarkadas 7/3

First Member)

6B) The draft is amended & may be brought up at the meeting.

Added to A.C. 7/3

11/3/14

63) Two drafts were submitted to the Diwan in person today. He went through them and directed that the file might be sent up to-day for further considering the draft replies to the Hon'ble the Resident and Mr Campbell, Private Secy to H. H. The file is accordingly submitted.

Dwarkadas 27/4

Diwan)

P. T. O.

Bangalore, 4th May 1914. Police File no 668/1913-16 23

R.H. Campbell Esqr., C.I.E.,

Private Secretary to H.H.

the Maharaja of Mysore.

My dear sir,

64) I thank you for your D.O. letter No.187 dated the 26th February 1914, expressing your views on the question of calling out the Kolar Gold Fields Volunteers in a body in the case of an emergency.

65) After the receipt of your letter the question was again considered more than once in the Council who have approved of the submission of the accompanying revised draft reply to the Hon'ble the Resident ~~being submitted to His Highness~~.

66) Owing to the delicate and intricate nature of the questions and interests involved, it seems to me desirable that we should proceed ~~most~~ cautiously, ~~and~~ we may again consider the subject if the Hon'ble the Resident has any further suggestions to make ~~on the course now suggested~~.

67) I shall feel obliged if you will kindly obtain the orders of His Highness in regard to the revised draft.

Yours sincerely,

2-5-14

Dewan.

* For this please see enclosure to A no 3

P.T.O.

F. R. S. 12]

General and Revenue Secretariat. | Police File No. 66 of 1913-14

Serial No.	
	68) It was arranged personally that the draft should discussed with the Honble the Resident.
3	~~Do~~ D.O. 6 Col Sir Hayle Dt.d, D/ 7-5-1914. Forwards the draft of a letter which the Durbar have prepared to address him in the matter and which he has agreed to discuss with Hum. Empire & Durbar at 3 p.m. the next day.
4	D.O. 6 Col. Sir Hayle Daly D/ 9/10. 5.14 Referring to the above and to the subsequent discussion of the question states that it is presumed that the Durbar is not expected to do anything further in the matter till they hear again from him.
5	D.O. from Col Sir Hayle Daly D/ 12-5-14 States that the next move in the matter is to be from him and that he will make a reference on receipt of his file on the subject.

P. T. O.

NOTE—Contn. sheet.

Jo. no 897 dt 2.9.14

Police file no 66 of 1913-14. 25

REPLY.

(*To be written on this margin.*)

Office of the Dewan of Mysore.

NOTE.

Dated.....1st September 1914

Police File No.66 of 1913-14 re employment of Volunteers on the Kolar Gold Fields.

D.O. dated 4th May 1914, to Mr.R.H. Campbell - enclosure 1 draft letter.

D.O. dated 7th May 1914 to the Hon'ble Col. Sir Hugh Daly.

D.O. dated 12th May 1914, from the Hon'ble Col. Sir Hugh Daly.

69) The marginally noted D.O. correspondence is placed on the file and submitted to Secretary, General and Revenue Departments, for kind information.

By order,

S Srinivasaiya

Draft 3/9

70) Br III – The demi official correspondence may be treated as confidential Draft 22/9

B 29/9

J 887 D. O. No. 699

Confidential.

BANGALORE.

6th September 1913.

My dear Dewan Sahib,

Please see the enclosed copy of a letter from Messrs John Taylor & Sons which I received just as I was leaving for Simla. The point as to jurisdiction is before the Govt of India & will, I hope, be settled shortly. There remains the point as to the employment of the Volunteers & I should be glad to know what the Darbar would wish me to say about this.

I endeavoured to explain my views in my d/o letter of the 5th Febry last & we subsequently spoke on the subject at Ooty. But I must have failed to make myself clear; for, in your d/o letter No 609, dated the 22nd April, you wrote:-- "As we agreed in personal conversation that the assis-"tance of the Volunteers is not quite necessary, no further action will "be taken on the reference." The matter did not then seem to press & I put it aside for a favourable opportunity of further personal discussion; but this letter from Messrs John Taylor & Sons indicates that they are likely to urge an early & definite decision & it seems now better to write.

So far as I recollect our conversation at Ooty, what I intended to convey was that the determining factor seemed to me to be that the likelihood of the Volunteers being actually requisitioned was so slight that it might in practice be treated as negligible.

The Darbar have recognised that, in a sudden & grave emergency, it may possibly be desirable to utilise the Kolar Gold Field Volunteers. But the Darbar's order contemplates that the Magistrate at the Field shall take no active steps at the outset; but shall merely move the Darbar to obtain from the Resident authority for the Commandant of the Volunteer Corps to place his men at the Magistrate's disposal.

It seems to be clear that this procedure might involve a multiplicity of references & very serious delay:-- e.g.

1. The Magistrate might have to move through the Deputy Commissioner.
2. The Deputy Commissioner would then address the Darbar.
3. The Darbar would then address the Resident.
4. The Resident would possibly consult the local military authorities.

BANGALORE.

5.The local military authority might consult higher military authority before replying to the Resident,thus involving at least two more communications,which,with the same string of replies,might mean a total of at least ten communications before the Magistrate received his orders !

Even if the string of references were reduced to the minimum,-- viz: Magistrate to Darbar,Darbar to Resident,Resident to Darbar,& Darbar to Magistrate --- it is obvious that considerable delay must occur;& a delay of even an hour or two might involve enormous loss of property to the Mining Companies,with consequent loss to the Darbar,as well as serious risk to life,&c.

I am not an alarmist &,as already stated,I regard the risk of serious riot at the Field as practically negligible. But experience all over the world shews that,when such riots do occur,they are liable very rapidly to assume serious proportions,unless they are checked with the utmost promptness. In the event of trouble at the Field,the Magistrate,being on the spot,has opportunities which neither the Darbar nor the Resident can ordinarily possess for judging as to the necessity for employing the Volunteers. In the absence of special circumstances,it is by the Magistrate's opinion,& by that alone,that the Darbar & the Resident must be guided,& we should both be incurring a very grave responsibility if we declined to authorise the employment of the Volunteers in response to an urgent requisition from the Magistrate. It seems to me therefore that,if the employment of the Volunteers in any circumstances is to be contemplated,it would be best in every way to give the Magistrate full discretion to call them out on his own responsibility.He would of course report his action at once to the Darbar,who would inform the Resident.The responsibility resting on the Magistrate would be a very serious one,& I think we might feel quite sure that it would not be lightly exercised.

In view of the attention which the subject is receiving both at the Field & in London,I think it is clear that the Mining Companies will not rest content with the present position;but that they will continue to urge either that the orders relating to the Volunteers should be revised so as

BANGALORE.

to admit of their being at once called out to meet a grave emergency, or that the Darbar should maintain at the Field a force sufficient to suppress all attempts at rioting.

As I have said before, the organisation & maintenance of a special force would probably be difficult & expensive; while the force, if really strong enough to effect its object, would probably never have anything to do !

There is one point in my last letter which I find needs modification. I indicated there that I thought it should be made generally known that, in case of necessity, the Volunteers would be promptly employed. From conversations which I have since held with members of the Mining Board, I find that they do not wish any public statement to be made on the point. It would suffice, from their point of view, if the Board were confidentially informed that the Volunteers would be at once called out, if necessary. This correction of my previous statement has a bearing on the question of how the matter might be regarded with reference to the dignity & duties of the Darbar. If no public announcement were made, the risk of the Darbar's prestige being in any way affected seems to disappear; &, as already stated more than once, the chance of the Volunteers being ever required is, in my opinion, so slight that the Darbar might, I think, safely neglect it, for the present at any rate, especially in view of the unique position at the Field.

As to possible legal complications, I have nothing to add to what I wrote previously.

To sum up: -- I feel sure the Darbar will not think that I have any desire to urge them to adopt any measure to which they see objections; but I think it is necessary for the Darbar to realise that the Companies are not satisfied with the present situation & that the only alternatives are -- (i) to give the Magistrate full discretion as to calling out the Volunteers (subject to immediate report to the Darbar); or (ii) to provide an additional force at the Field strong enough to maintain order whatever may occur.

Yours very sincerely

H Daly

M.Visvesvaraya Esqr, C.I.E.,
Dewan of Mysore.

BANGALORE.

Copy of a letter from Messrs John Tayler & Sons to Colonel Sir H.Daly, Resident in Mysore,dated 6 Queen Street Place,London,the 27th June 1913. & received on the 12th July 1913.

Sir,

On the occasion of Mr Henry C.Tayler's visit to the Kolar a few mont age,he had the honour of submitting to your notice in a communication dated the 24th Janry 1913,important points connected with Police Matters pertaining to the Mining Industry on the Kolar Gold Field,& you were kin enough to personally discuss with Mr Tayler various details arising out of his letter to you as above referred to.

We were gratified to hear that as the outcome of Mr Henry Tayler's conversation with you,you expressed your willingness to recommend the transfer of jurisdiction on the short branch line at Kolar to the Myser State,& that you proposed to address the British Govt in furtherance of this measure.

Mr Tayler also took the opportunity of conferring with you as to the procedure on the Kolar Field in the event of Riots,particularly in rela tion to calling out the Kolar Gold Field Volunteers.The urgent necessit of authority being promptly obtainable should circumstances demand the assistance of that body was represented,& it was suggested that such authority be vested in the Resident Magistrate on the Field.

We should esteem it a great favour if you could give us any later informa tion respecting the above matters.

Copy of reply,dated the 4th Sept 1913.

I must ask you to accept my sincere apology for the delay which ha occurred in acknowledging your letter of the 27th June.It reached me j as I was starting on a visit to Simla & since my return I have been so exceedingly busy that I am afraid the letter was temporarily overlooked.

The matter of jurisdiction on the branch line was duly placed bef the Govt of India,whose orders are awaited.I understood,when at Simla, that the orders would probably issue in the near future.

As to the employment of the Kolar Gold Field Volunteers in the ev

of riots, I can only say that the matter is still under discussion with the Darbar.

When either or both of these matters are settled, I will write again.

True copies

6th Sept 1913.

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File no 66-13
Sl. no. 2

BALLABROOIE,
HIGH GROUND,
BANGALORE.

6th September 1913.

D. C ....871....

My dear sir,

I am in receipt of your D.O.letter of ~~the 6th instant~~ date regarding the employment of the Volunteer force on the Kolar Gold Fields in case of a breach of the peace, ~~and write to say that~~ the matter will receive ~~my~~ the very earnest attention of the Darbar

Yours very sincerely,

b.g.d

The Hon'ble Col.Sir Hugh Daly K.C.I.E., C.S.I.,
Resident in Mysore,
Bangalore.

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Government of H.H.the Maharaja of Mysore.

Confidential.

D.O.No. 942 dated 2nd October 1913.

My dear Sir,

Vide Personal correspondence

(~~Please refer~~ to my D.O. letter No. 871, of the 6th September last, regarding the employment of the Volunteer Force on the Kolar Gold Fields in case of a breach of the peace.

The matter is engaging ~~the consideration of the Durbar~~ attention. ~~But~~ the vital point of how to provide for the necessary legal control of the Volunteer Force by the Magistrate concerned, ~~whenever~~ officer it is called out ~~and it acts as such in the area concerned, requires a most careful and exhaustive examination~~ requires careful consideration.

The whole question, if not ~~emergent~~, considered very, will be thoroughly examined after the Viceregal Visit is over and ~~a reply on the merits will be sent to~~ your D.O.No.699, dated the 6th September last. Yours official

Yours very sincerely,

[signature]

2/10/13

To

The Hon'ble Col.Sir Hugh Daly K.C.I.E.,C.S.I

Resident in Mysore,

Bangalore.

ANANDASRAM,
FERNHILL,
NILGIRIS.

Police file 1066-13
Sl. no 3

Draft.

7th May 1914.

My dear Sir,

I send herewith the draft of a letter which the Durbar have prepared to address ~~your Assist-ant~~ you on the question of the employment of the Volunteer Force on the Kolar Gold Fields and which you have kindly agreed to discuss with Mr. Campbell and myself at 3 p.m. tomorrow.

Yours very sincerely,

M. Visvesvaraya

The Hon'ble
Col. Sir Hugh Daly, K.C.I.E., C.S.I.,
Resident in Mysore,
"Awdry House", Fern Hill.

To

The Hon'ble Col. Sir Hugh Daly,
K.C.I.E., C.S.I.,

Resident in Mysore.

My dear Sir,

In continuation of my D.O. letter No. 947 dated the 2nd October 1913, regarding the employment of the Volunteer Force on the Kolar Gold Fields in the event of a breach of the peace, I write to state as follows:-

2. In your D.O. letter dated the 6th September 1913, it is urged that the only alternatives for effectually dealing with possible breaches of the peace on the Kolar Gold Fields are either to give the Kolar Gold Fields Magistrate full discretion to call out Volunteers in a body, subject to immediate report to the Durbar, or to provide an additional force strong enough to maintain order in all possible contingencies. These alternatives seem to be based on the view that the existing arrangements on the Fields for the preservation of peace are not adequate. As a matter of fact, our police arrangements there are much more efficient and more costly than in other places in the State and appear to be quite sufficient to ensure public safety in all ordinary emergencies.

3. The Durbar apprehend that the practical legal difficulties in the way of the first alternative proposed in your letter, viz., to empower the local

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Magistrate to call out the Volunteers ~~as~~ 4
a body, are very great. The volunteers
are a ~~body~~ force constituted under the authority
of the Indian Volunteers' Act of 1869.
Neither that Act nor the Criminal Procedure Code in force in the State gives ~~the~~ them any power to aid the local Magistracy in the emergencies contemplated. Neither does the Code of Criminal Procedure give the Magistrates any power to call out the Volunteers in a body. It would necessarily follow from this state of the law that both the Magistrate and the Volunteers acting in such a case would be liable civilly and criminally to answer for their conduct, without the necessary immunities and safeguards created on their behalf by the provisions of law, such as non-liability for anything done in good faith, previous sanction before launching a prosecution, &c. It is therefore to be feared that effect cannot be given to the order already issued, namely, that the Volunteers may be called out in a body with the previous sanction of the Durbar and the Hon'ble the Resident: vide No.J.1791-1800/Legis 27-07-5 dated the 23rd December 1908.

4. There would, however, be little difficulty in making effective use of the Volunteers under the orders already in force. It would not be necessary to send out individual orders to the Volunteers, and there would be no illegality if the Magistrate arranged with the Commandant to place specified numbers of the Corps at his disposal.

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5. It will be seen that the force cannot be employed as a body without important changes in both the British Indian enactment and in the Mysore Code of Criminal Procedure and the changes required will be of such a radical character as to render their expediency highly questionable.

6. The Durbar therefore consider that the existing arrangements may be regarded as reasonably adequate for all emergencies that may be expected to occur on the Kolar Gold Fields. If necessary, the procedure now in force will be supplemented by a new order embodying the views contained in paragraph 4 preceding and laying down distinctly that there should be no hesitation on the part of the local Magistrates to secure the assistance of Volunteers in suitable emergencies under section 128 of the Criminal Procedure Code.

7. This is our present view, but the Durbar will be glad to consider any further suggestions in the matter which you may deem fit to offer.

Yours very sincerely,

Dewan.

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Dessmeg 10.5.14.

ANANDASRAM,
Police file no. 6643
Sl. no 4 FERNHILL,
NILGIRIS.
9th May 1914.
10th

My dear Sir,

Referring to my D.O. letter of the 7th inst-ant regarding the employment of the Volunteers ii Srirangapatna on the Kolar Gold Fields, and the subsequent discussion of the question by Mr. Campbell and myself with you, I believe I am right in assuming that you do not expect the Durbar to do anything further in the matter till we hear ~~further~~ again from you.

Yours very sincerely.

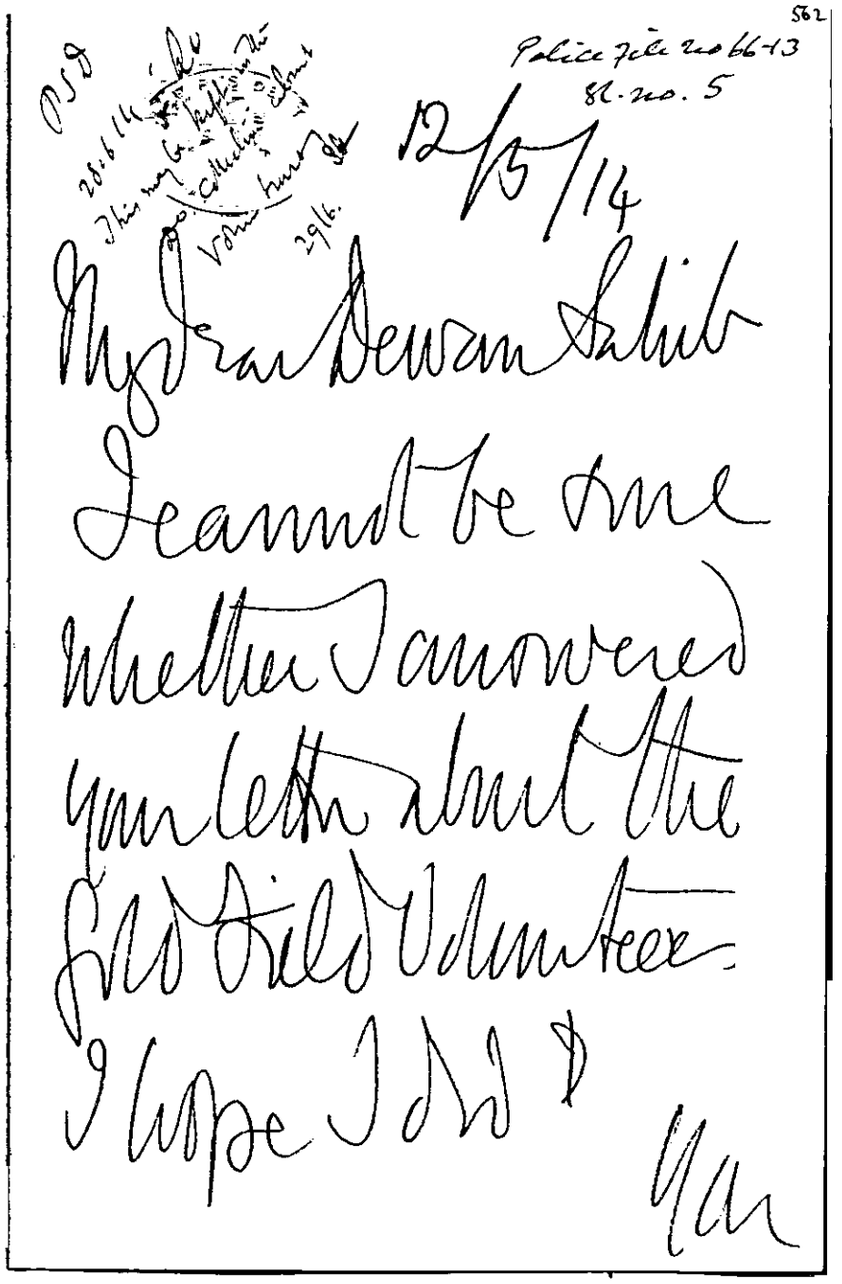
9.5.14

The Hon'ble,

Col. Sir Hugh Daly, K.C.I.E., C.S.I.,

Resident in Mysore,

Fernhill.



562

Police file no 6613
81. no. 5

12/5/14

My dear Dewan Sahib

I cannot be sure
whether I answered
your letter about the
Sikh Field Volunteer.
I hope I did!

Yours

were such support
in thinking it
for me to make
the next move -
I am especially
like Hanna Barbera